
HOUSE BILL No. 1536

DIGEST OF INTRODUCED BILL

Citations Affected: IC 22-3; IC 27-1-20-35.

Synopsis: Workers' compensation. Requires the worker's compensation board (board) to amend its schedule of attorney's fees for worker's compensation and occupational disease claims filed after September 1, 2005. Removes "any other good reason" as a reason that the board may require an employer to pay for physician and medical expenses not provided by the employer. Provides that an employee injured or killed by a workplace accident that is not caused by a risk that is: (1) distinctly associated with the employee's employment; or (2) personal to the employee; has the burden of proof that the employee's injury or death is causally related to the employee's employment, and is not entitled to a presumption of causation. Provides for increases in the average weekly wage used to calculate worker's compensation and occupational disease benefits. Provides that an insurance company is not authorized to do business in Indiana if: (1) voting control or ownership is held in whole or in substantial part by; or (2) the company is operated by or for; a government, a governmental agency, or an entity having a tax exemption under Section 501(c)(27)(B) or 115 of the Internal Revenue Code.

Effective: July 1, 2005.

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January 18, 2005, read first time and referred to Committee on Employment and Labor.

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Introduced

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

HOUSE BILL No. 1536

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 22-3-1-4 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2005]: **Sec. 4. (a) As used in this section, "attorney's fees" means**
4 **the fees requested for compensation for service provided by an**
5 **attorney to a claimant under the worker's compensation law and**
6 **the worker's occupational diseases law as provided under section**
7 **3(b)(3) of this chapter.**

8 **(b) As used in this section, "board" refers to the worker's**
9 **compensation board of Indiana established under section 1 of this**
10 **chapter.**

11 **(c) As used in this section, "claim" refers to a claim for**
12 **compensation under IC 22-3-2 through IC 22-3-7 filed with the**
13 **board.**

14 **(d) The board shall adopt rules under IC 4-22-2 to amend its**
15 **schedule of attorney's fees applicable to all claims filed on or after**
16 **September 1, 2005, except as provided in subsection (e), to reflect**
17 **the following attorney's fees:**

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(1) A minimum of one hundred dollars (\$100).

(2) Twenty percent (20%) of the first ten thousand dollars (\$10,000) of recovery.

(3) Fifteen percent (15%) of the second ten thousand dollars (\$10,000) of recovery.

(4) Ten percent (10%) of recovery over twenty thousand dollars (\$20,000).

(e) The board maintains continuing jurisdiction over all attorney's fees in claims before the board and may order a different attorney's fee schedule or allowance for a claim.

SECTION 2. IC 22-3-2-2.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2.7. (a) This section applies to an employee who suffers a personal injury or death by accident in the course of the employee's employment and the accident is not caused by a risk that is:

- (1) distinctly associated with the employee's employment; or
- (2) personal to the employee.

(b) The burden of proof is on an employee described in subsection (a) to show that the personal injury or death is causally related to the employee's employment.

(c) The personal injury or death of an employee described in subsection (a) is not presumed to be a personal injury or death arising out of the employee's employment.

SECTION 3. IC 22-3-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) After an injury and prior to an adjudication of permanent impairment, the employer shall furnish or cause to be furnished, free of charge to the employee, an attending physician for the treatment of his the employee's injuries, and in addition thereto such surgical, hospital and nursing services and supplies as the attending physician or the worker's compensation board may deem necessary. If the employee is requested or required by the employer to submit to treatment outside the county of employment, the employer shall also pay the reasonable expense of travel, food, and lodging necessary during the travel, but not to exceed the amount paid at the time of the travel by the state to its employees under the state travel policies and procedures established by the Indiana department of administration and approved by the state budget agency. If the treatment or travel to or from the place of treatment causes a loss of working time to the employee, the employer shall reimburse the employee for the loss of wages using the basis of the employee's average daily wage.

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(b) During the period of temporary total disability resulting from the injury, the employer shall furnish the physician services and supplies, and the worker's compensation board may, on proper application of either party, require that treatment by the physician and services and supplies be furnished by or on behalf of the employer as the worker's compensation board may deem reasonably necessary.

(c) After an employee's injury has been adjudicated by agreement or award on the basis of permanent partial impairment and within the statutory period for review in such case as provided in section 27 of this chapter, the employer may continue to furnish a physician or surgeon and other medical services and supplies, and the worker's compensation board may within the statutory period for review as provided in section 27 of this chapter, on a proper application of either party, require that treatment by that physician and other medical services and supplies be furnished by and on behalf of the employer as the worker's compensation board may deem necessary to limit or reduce the amount and extent of the employee's impairment. The refusal of the employee to accept such services and supplies, when provided by or on behalf of the employer, shall bar the employee from all compensation otherwise payable during the period of the refusal, and ~~his~~ **the employee's** right to prosecute any proceeding under IC 22-3-2 through IC 22-3-6 shall be suspended and abated until the employee's refusal ceases. The employee must be served with a notice setting forth the consequences of the refusal under this section. The notice must be in a form prescribed by the worker's compensation board. No compensation for permanent total impairment, permanent partial impairment, permanent disfigurement, or death shall be paid or payable for that part or portion of the impairment, disfigurement, or death which is the result of the failure of the employee to accept the treatment, services, and supplies required under this section. However, an employer may at any time permit an employee to have treatment for ~~his~~ **the employee's** injuries by spiritual means or prayer in lieu of the physician or surgeon and other medical services and supplies required under this section.

(d) If, because of an emergency, or because of the employer's failure to provide an attending physician or surgical, hospital, or nursing services and supplies, or treatment by spiritual means or prayer, as required by this section, ~~or because of any other good reason,~~ a physician other than that provided by the employer treats the injured employee during the period of the employee's temporary total disability, or necessary and proper surgical, hospital, or nursing services and supplies are procured within the period, the reasonable

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cost of those services and supplies shall, subject to the approval of the worker's compensation board, be paid by the employer.

(e) Regardless of when it occurs, where a compensable injury results in the amputation of a body part, the enucleation of an eye, or the loss of natural teeth, the employer shall furnish an appropriate artificial member, braces, and prosthodontics. The cost of repairs to or replacements for the artificial members, braces, or prosthodontics that result from a compensable injury pursuant to a prior award and are required due to either medical necessity or normal wear and tear, determined according to the employee's individual use, but not abuse, of the artificial member, braces, or prosthodontics, shall be paid from the second injury fund upon order or award of the worker's compensation board. The employee is not required to meet any other requirement for admission to the second injury fund.

(f) If an accident arising out of and in the course of employment after June 30, 1997, results in the loss of or damage to an artificial member, a brace, an implant, eyeglasses, prosthodontics, or other medically prescribed device, the employer shall repair the artificial member, brace, implant, eyeglasses, prosthodontics, or other medically prescribed device or furnish an identical or a reasonably equivalent replacement.

(g) This section may not be construed to prohibit an agreement between an employer and the employer's employees that has the approval of the board and that binds the parties to:

- (1) medical care furnished by health care providers selected by agreement before or after injury; or
- (2) the findings of a health care provider who was chosen by agreement.

SECTION 4. IC 22-3-3-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. (a) ~~With respect to injuries in the following schedule occurring prior to April 1, 1951, the employee shall receive in addition to temporary total disability benefits not exceeding twenty-six (26) weeks on account of the injuries, a weekly compensation of fifty-five percent (55%) of the employee's average weekly wages. With respect to injuries in the following schedule occurring on and after April 1, 1951, and prior to July 1, 1971, the employee shall receive in addition to temporary total disability benefits not exceeding twenty-six (26) weeks on account of the injuries, a weekly compensation of sixty percent (60%) of the employee's average weekly wages. With respect to injuries in the following schedule occurring on and after July 1, 1971, and before July 1, 1977, the employee shall receive in addition to temporary total~~

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1 disability benefits not exceeding twenty-six (26) weeks on account of
 2 the injuries; a weekly compensation of sixty percent (60%) of the
 3 employee's average weekly wages not to exceed one hundred dollars
 4 (\$100) average weekly wages; for the periods stated for the injuries.
 5 With respect to injuries in the following schedule occurring on and
 6 after July 1, 1977; and before July 1, 1979; the employee shall receive;
 7 in addition to temporary total disability benefits not exceeding
 8 twenty-six (26) weeks on account of the injury; a weekly compensation
 9 of sixty percent (60%) of his average weekly wages; not to exceed one
 10 hundred twenty-five dollars (\$125) average weekly wages; for the
 11 period stated for the injury. With respect to injuries in the following
 12 schedule **set forth in subsection (d)** occurring on and after July 1,
 13 1979, and before July 1, 1988, the employee shall receive, in addition
 14 to temporary total disability benefits not to exceed fifty-two (52) weeks
 15 on account of the injury; a weekly compensation of sixty percent (60%)
 16 of the employee's average weekly wages; not to exceed one hundred
 17 twenty-five dollars (\$125) average weekly wages; for the period stated
 18 for the injury.

19 **(b)** With respect to injuries in the ~~following~~ schedule **set forth in**
 20 **subsection (d)** occurring on and after July 1, 1988, and before July 1,
 21 1989, the employee shall receive, in addition to temporary total
 22 disability benefits not exceeding seventy-eight (78) weeks on account
 23 of the injury; a weekly compensation of sixty percent (60%) of the
 24 employee's average weekly wages; not to exceed one hundred sixty-six
 25 dollars (\$166) average weekly wages; for the period stated for the
 26 injury.

27 **(c)** With respect to injuries in the ~~following~~ schedule **set forth in**
 28 **subsection (d)** occurring on and after July 1, 1989, and before July 1,
 29 1990, the employee shall receive, in addition to temporary total
 30 disability benefits not exceeding seventy-eight (78) weeks on account
 31 of the injury; a weekly compensation of sixty percent (60%) of the
 32 employee's average weekly wages; not to exceed one hundred
 33 eighty-three dollars (\$183) average weekly wages; for the period stated
 34 for the injury.

35 **(d)** With respect to injuries in the following schedule occurring on
 36 and after July 1, 1990, and before July 1, 1991, the employee shall
 37 receive, in addition to temporary total disability benefits not exceeding
 38 seventy-eight (78) weeks on account of the injury; a weekly
 39 compensation of sixty percent (60%) of the employee's average weekly
 40 wages; not to exceed two hundred dollars (\$200) average weekly
 41 wages; for the period stated for the injury.

42 (1) Amputation: For the loss by separation of the thumb, sixty

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(60) weeks, of the index finger forty (40) weeks, of the second finger thirty-five (35) weeks, of the third or ring finger thirty (30) weeks, of the fourth or little finger twenty (20) weeks, of the hand by separation below the elbow joint two hundred (200) weeks, or the arm above the elbow two hundred fifty (250) weeks, of the big toe sixty (60) weeks, of the second toe thirty (30) weeks, of the third toe twenty (20) weeks, of the fourth toe fifteen (15) weeks, of the fifth or little toe ten (10) weeks, ~~and for loss occurring before April 1, 1959, by separation of the foot below the knee joint one hundred fifty (150) weeks and of the leg above the knee joint two hundred (200) weeks;~~ for loss occurring on and after April 1, 1959, by separation of the foot below the knee joint, one hundred seventy-five (175) weeks and of the leg above the knee joint two hundred twenty-five (225) weeks. The loss of more than one (1) phalange of a thumb or toes shall be considered as the loss of the entire thumb or toe. The loss of more than two (2) phalanges of a finger shall be considered as the loss of the entire finger. The loss of not more than one (1) phalange of a thumb or toe shall be considered as the loss of one-half (1/2) of the thumb or toe and compensation shall be paid for one-half (1/2) of the period for the loss of the entire thumb or toe. The loss of not more than one (1) phalange of a finger shall be considered as the loss of one-third (1/3) of the finger and compensation shall be paid for one-third (1/3) the period for the loss of the entire finger. The loss of more than one (1) phalange of the finger but not more than two (2) phalanges of the finger, shall be considered as the loss of one-half (1/2) of the finger and compensation shall be paid for one-half (1/2) of the period for the loss of the entire finger.

(2) For the loss by separation of both hands or both feet or the total sight of both eyes, or any two (2) such losses in the same accident, five hundred (500) weeks.

(3) For the permanent and complete loss of vision by enucleation or its reduction to one-tenth (1/10) of normal vision with glasses, one hundred seventy-five (175) weeks.

(4) For the permanent and complete loss of hearing in one (1) ear, seventy-five (75) weeks, and in both ears, two hundred (200) weeks.

(5) For the loss of one (1) testicle, fifty (50) weeks; for the loss of both testicles, one hundred fifty (150) weeks.

(b) ~~With respect to injuries in the following schedule occurring prior to April 1, 1951, the employee shall receive in lieu of all other compensation on account of the injuries, a weekly compensation of~~

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fifty-five percent (55%) of the employee's average weekly wages. With respect to injuries in the following schedule occurring on and after April 1, 1951, and prior to April 1, 1955, the employee shall receive in lieu of all other compensation on account of the injuries a weekly compensation of sixty percent (60%) of the employee's average weekly wages. With respect to injuries in the following schedule occurring on and after April 1, 1955, and prior to July 1, 1971, the employee shall receive in addition to temporary total disability benefits not exceeding twenty-six (26) weeks on account of the injuries, a weekly compensation of sixty percent (60%) of the employee's average weekly wages. With respect to injuries in the following schedule occurring on and after July 1, 1971, and before July 1, 1977, the employee shall receive in addition to temporary total disability benefits not exceeding twenty-six (26) weeks on account of the injuries, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed one hundred dollars (\$100) average weekly wages, for the period stated for such injuries respectively. With respect to injuries in the following schedule occurring on and after July 1, 1977, and before July 1, 1979, the employee shall receive, in addition to temporary total disability benefits not exceeding twenty-six (26) weeks on account of the injury, a weekly compensation of sixty percent (60%) of the employee's average weekly wages not to exceed one hundred twenty-five dollars (\$125) average weekly wages, for the period stated for the injury.

(e) With respect to injuries in the following schedule set forth in subsection (h) occurring on and after July 1, 1979, and before July 1, 1988, the employee shall receive, in addition to temporary total disability benefits not exceeding fifty-two (52) weeks on account of the injury, a weekly compensation of sixty percent (60%) of the employee's average weekly wages not to exceed one hundred twenty-five dollars (\$125) average weekly wages for the period stated for the injury.

(f) With respect to injuries in the following schedule set forth in subsection (h) occurring on and after July 1, 1988, and before July 1, 1989, the employee shall receive, in addition to temporary total disability benefits not exceeding seventy-eight (78) weeks on account of the injury, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed one hundred sixty-six dollars (\$166) average weekly wages, for the period stated for the injury.

(g) With respect to injuries in the following schedule set forth in subsection (h) occurring on and after July 1, 1989, and before July 1, 1990, the employee shall receive, in addition to temporary total

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disability benefits not exceeding seventy-eight (78) weeks on account of the injury, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed one hundred eighty-three dollars (\$183) average weekly wages, for the period stated for the injury.

(h) With respect to injuries in the following schedule occurring on and after July 1, 1990, and before July 1, 1991, the employee shall receive, in addition to temporary total disability benefits not exceeding seventy-eight (78) weeks on account of the injury, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed two hundred dollars (\$200) average weekly wages, for the period stated for the injury.

(1) Loss of use: The total permanent loss of the use of an arm, hand, thumb, finger, leg, foot, toe, or phalange shall be considered as the equivalent of the loss by separation of the arm, hand, thumb, finger, leg, foot, toe, or phalange, and compensation shall be paid for the same period as for the loss thereof by separation.

(2) Partial loss of use: For the permanent partial loss of the use of an arm, hand, thumb, finger, leg, foot, toe, or phalange, compensation shall be paid for the proportionate loss of the use of such arm, hand, thumb, finger, leg, foot, toe, or phalange.

(3) For injuries resulting in total permanent disability, five hundred (500) weeks.

(4) For any permanent reduction of the sight of an eye less than a total loss as specified in subsection ~~(a)(3)~~, **(d)(3)**, compensation shall be paid for a period proportionate to the degree of such permanent reduction without correction or glasses. However, when such permanent reduction without correction or glasses would result in one hundred percent (100%) loss of vision, but correction or glasses would result in restoration of vision, then in such event compensation shall be paid for fifty percent (50%) of such total loss of vision without glasses, plus an additional amount equal to the proportionate amount of such reduction with glasses, not to exceed an additional fifty percent (50%).

(5) For any permanent reduction of the hearing of one (1) or both ears, less than the total loss as specified in subsection ~~(a)(4)~~, **(d)(4)**, compensation shall be paid for a period proportional to the degree of such permanent reduction.

(6) In all other cases of permanent partial impairment, compensation proportionate to the degree of such permanent partial impairment, in the discretion of the worker's compensation board, not exceeding five hundred (500) weeks.

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(7) In all cases of permanent disfigurement which may impair the future usefulness or opportunities of the employee, compensation, in the discretion of the worker's compensation board, not exceeding two hundred (200) weeks, except that no compensation shall be payable under this subdivision where compensation is payable elsewhere in this section.

~~(c)~~ (i) With respect to injuries in the following schedule occurring on and after July 1, 1991, the employee shall receive in addition to temporary total disability benefits, not exceeding one hundred twenty-five (125) weeks on account of the injury, compensation in an amount determined under the following schedule to be paid weekly at a rate of sixty-six and two-thirds percent (66 2/3%) of the employee's average weekly wages during the fifty-two (52) weeks immediately preceding the week in which the injury occurred.

(1) Amputation: For the loss by separation of the thumb, twelve (12) degrees of permanent impairment; of the index finger, eight (8) degrees of permanent impairment; of the second finger, seven (7) degrees of permanent impairment; of the third or ring finger, six (6) degrees of permanent impairment; of the fourth or little finger, four (4) degrees of permanent impairment; of the hand by separation below the elbow joint, forty (40) degrees of permanent impairment; of the arm above the elbow, fifty (50) degrees of permanent impairment; of the big toe, twelve (12) degrees of permanent impairment; of the second toe, six (6) degrees of permanent impairment; of the third toe, four (4) degrees of permanent impairment; of the fourth toe, three (3) degrees of permanent impairment; of the fifth or little toe, two (2) degrees of permanent impairment; by separation of the foot below the knee joint, thirty-five (35) degrees of permanent impairment; and of the leg above the knee joint, forty-five (45) degrees of permanent impairment.

(2) Amputations: For the loss by separation of any of the body parts described in subdivision (1) on or after July 1, 1997, and for the loss by separation of any of the body parts described in subdivision (3), (5), or (8), on or after July 1, 1999, the dollar values per degree applying on the date of the injury as described in subsection ~~(d)~~ (j) shall be multiplied by two (2). However, the doubling provision of this subdivision does not apply to a loss of use that is not a loss by separation.

(3) The loss of more than one (1) phalange of a thumb or toe shall be considered as the loss of the entire thumb or toe. The loss of more than two (2) phalanges of a finger shall be considered as the

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1 loss of the entire finger. The loss of not more than one (1)
 2 phalange of a thumb or toe shall be considered as the loss of
 3 one-half (1/2) of the degrees of permanent impairment for the loss
 4 of the entire thumb or toe. The loss of not more than one (1)
 5 phalange of a finger shall be considered as the loss of one-third
 6 (1/3) of the finger and compensation shall be paid for one-third
 7 (1/3) of the degrees payable for the loss of the entire finger. The
 8 loss of more than one (1) phalange of the finger but not more than
 9 two (2) phalanges of the finger shall be considered as the loss of
 10 one-half (1/2) of the finger and compensation shall be paid for
 11 one-half (1/2) of the degrees payable for the loss of the entire
 12 finger.

13 (4) For the loss by separation of both hands or both feet or the
 14 total sight of both eyes or any two (2) such losses in the same
 15 accident, one hundred (100) degrees of permanent impairment.

16 (5) For the permanent and complete loss of vision by enucleation,
 17 thirty-five (35) degrees of permanent impairment.

18 (6) For the reduction of vision to one-tenth (1/10) of normal
 19 vision with glasses, thirty-five (35) degrees of permanent
 20 impairment.

21 (7) For the permanent and complete loss of hearing in one (1) ear,
 22 fifteen (15) degrees of permanent impairment, and in both ears,
 23 forty (40) degrees of permanent impairment.

24 (8) For the loss of one (1) testicle, ten (10) degrees of permanent
 25 impairment; for the loss of both testicles, thirty (30) degrees of
 26 permanent impairment.

27 (9) Loss of use: The total permanent loss of the use of an arm, a
 28 hand, a thumb, a finger, a leg, a foot, a toe, or a phalange shall be
 29 considered as the equivalent of the loss by separation of the arm,
 30 hand, thumb, finger, leg, foot, toe, or phalange, and compensation
 31 shall be paid in the same amount as for the loss by separation.
 32 However, the doubling provision of subdivision (2) does not
 33 apply to a loss of use that is not a loss by separation.

34 (10) Partial loss of use: For the permanent partial loss of the use
 35 of an arm, a hand, a thumb, a finger, a leg, a foot, a toe, or a
 36 phalange, compensation shall be paid for the proportionate loss of
 37 the use of the arm, hand, thumb, finger, leg, foot, toe, or phalange.

38 (11) For injuries resulting in total permanent disability, the
 39 amount payable for impairment or five hundred (500) weeks of
 40 compensation, whichever is greater.

41 (12) For any permanent reduction of the sight of an eye less than
 42 a total loss as specified in subsection ~~(a)(3)~~, **(h)(4)**, the

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1 compensation shall be paid in an amount proportionate to the
 2 degree of a permanent reduction without correction or glasses.
 3 However, when a permanent reduction without correction or
 4 glasses would result in one hundred percent (100%) loss of
 5 vision, then compensation shall be paid for fifty percent (50%) of
 6 the total loss of vision without glasses, plus an additional amount
 7 equal to the proportionate amount of the reduction with glasses,
 8 not to exceed an additional fifty percent (50%).

9 (13) For any permanent reduction of the hearing of one (1) or both
 10 ears, less than the total loss as specified in subsection ~~(a)(4)~~;
 11 **(h)(5)**, compensation shall be paid in an amount proportionate to
 12 the degree of a permanent reduction.

13 (14) In all other cases of permanent partial impairment,
 14 compensation proportionate to the degree of a permanent partial
 15 impairment, in the discretion of the worker's compensation board,
 16 not exceeding one hundred (100) degrees of permanent
 17 impairment.

18 (15) In all cases of permanent disfigurement which may impair
 19 the future usefulness or opportunities of the employee,
 20 compensation, in the discretion of the worker's compensation
 21 board, not exceeding forty (40) degrees of permanent impairment
 22 except that no compensation shall be payable under this
 23 subdivision where compensation is payable elsewhere in this
 24 section.

25 ~~(d)~~ **(j)** Compensation for permanent partial impairment shall be paid
 26 according to the degree of permanent impairment for the injury
 27 determined under subsection ~~(e)~~ **(i)** and the following:

28 (1) With respect to injuries occurring on and after July 1, 1991,
 29 and before July 1, 1992, for each degree of permanent impairment
 30 from one (1) to thirty-five (35), five hundred dollars (\$500) per
 31 degree; for each degree of permanent impairment from thirty-six
 32 (36) to fifty (50), nine hundred dollars (\$900) per degree; for each
 33 degree of permanent impairment above fifty (50), one thousand
 34 five hundred dollars (\$1,500) per degree.

35 (2) With respect to injuries occurring on and after July 1, 1992,
 36 and before July 1, 1993, for each degree of permanent impairment
 37 from one (1) to twenty (20), five hundred dollars (\$500) per
 38 degree; for each degree of permanent impairment from
 39 twenty-one (21) to thirty-five (35), eight hundred dollars (\$800)
 40 per degree; for each degree of permanent impairment from
 41 thirty-six (36) to fifty (50), one thousand three hundred dollars
 42 (\$1,300) per degree; for each degree of permanent impairment

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1 above fifty (50), one thousand seven hundred dollars (\$1,700) per
2 degree.

3 (3) With respect to injuries occurring on and after July 1, 1993,
4 and before July 1, 1997, for each degree of permanent impairment
5 from one (1) to ten (10), five hundred dollars (\$500) per degree;
6 for each degree of permanent impairment from eleven (11) to
7 twenty (20), seven hundred dollars (\$700) per degree; for each
8 degree of permanent impairment from twenty-one (21) to
9 thirty-five (35), one thousand dollars (\$1,000) per degree; for
10 each degree of permanent impairment from thirty-six (36) to fifty
11 (50), one thousand four hundred dollars (\$1,400) per degree; for
12 each degree of permanent impairment above fifty (50), one
13 thousand seven hundred dollars (\$1,700) per degree.

14 (4) With respect to injuries occurring on and after July 1, 1997,
15 and before July 1, 1998, for each degree of permanent impairment
16 from one (1) to ten (10), seven hundred fifty dollars (\$750) per
17 degree; for each degree of permanent impairment from eleven
18 (11) to thirty-five (35), one thousand dollars (\$1,000) per degree;
19 for each degree of permanent impairment from thirty-six (36) to
20 fifty (50), one thousand four hundred dollars (\$1,400) per degree;
21 for each degree of permanent impairment above fifty (50), one
22 thousand seven hundred dollars (\$1,700) per degree.

23 (5) With respect to injuries occurring on and after July 1, 1998,
24 and before July 1, 1999, for each degree of permanent impairment
25 from one (1) to ten (10), seven hundred fifty dollars (\$750) per
26 degree; for each degree of permanent impairment from eleven
27 (11) to thirty-five (35), one thousand dollars (\$1,000) per degree;
28 for each degree of permanent impairment from thirty-six (36) to
29 fifty (50), one thousand four hundred dollars (\$1,400) per degree;
30 for each degree of permanent impairment above fifty (50), one
31 thousand seven hundred dollars (\$1,700) per degree.

32 (6) With respect to injuries occurring on and after July 1, 1999,
33 and before July 1, 2000, for each degree of permanent impairment
34 from one (1) to ten (10), nine hundred dollars (\$900) per degree;
35 for each degree of permanent impairment from eleven (11) to
36 thirty-five (35), one thousand one hundred dollars (\$1,100) per
37 degree; for each degree of permanent impairment from thirty-six
38 (36) to fifty (50), one thousand six hundred dollars (\$1,600) per
39 degree; for each degree of permanent impairment above fifty (50),
40 two thousand dollars (\$2,000) per degree.

41 (7) With respect to injuries occurring on and after July 1, 2000,
42 and before July 1, 2001, for each degree of permanent impairment

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from one (1) to ten (10), one thousand one hundred dollars (\$1,100) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand three hundred dollars (\$1,300) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand dollars (\$2,000) per degree; for each degree of permanent impairment above fifty (50), two thousand five hundred fifty dollars (\$2,500) per degree.

(8) With respect to injuries occurring on and after July 1, 2001, for each degree of permanent impairment from one (1) to ten (10), one thousand three hundred dollars (\$1,300) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand five hundred dollars (\$1,500) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand four hundred dollars (\$2,400) per degree; for each degree of permanent impairment above fifty (50), three thousand dollars (\$3,000) per degree.

~~(e)~~ (k) The average weekly wages used in the determination of compensation for permanent partial impairment under subsections ~~(e)~~ (i) and ~~(d)~~ (j) shall not exceed the following:

(1) With respect to injuries occurring on or after July 1, 1991, and before July 1, 1992, four hundred ninety-two dollars (\$492).

(2) With respect to injuries occurring on or after July 1, 1992, and before July 1, 1993, five hundred forty dollars (\$540).

(3) With respect to injuries occurring on or after July 1, 1993, and before July 1, 1994, five hundred ninety-one dollars (\$591).

(4) With respect to injuries occurring on or after July 1, 1994, and before July 1, 1997, six hundred forty-two dollars (\$642).

(5) With respect to injuries occurring on or after July 1, 1997, and before July 1, 1998, six hundred seventy-two dollars (\$672).

(6) With respect to injuries occurring on or after July 1, 1998, and before July 1, 1999, seven hundred two dollars (\$702).

(7) With respect to injuries occurring on or after July 1, 1999, and before July 1, 2000, seven hundred thirty-two dollars (\$732).

(8) With respect to injuries occurring on or after July 1, 2000, and before July 1, 2001, seven hundred sixty-two dollars (\$762).

(9) With respect to injuries occurring on or after July 1, 2001, and before July 1, 2002, eight hundred twenty-two dollars (\$822).

(10) With respect to injuries occurring on or after July 1, 2002, **and before July 1, 2005**, eight hundred eighty-two dollars (\$882).

(11) With respect to injuries occurring on or after July 1,

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2005, and before July 1, 2006, nine hundred dollars (\$900).

(12) With respect to injuries occurring on or after July 1, 2006, nine hundred thirty dollars (\$930).

SECTION 5. IC 22-3-3-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 22. (a) In computing the compensation under this law with respect to injuries occurring on and after April 1, 1963, and prior to April 1, 1965, the average weekly wages shall be considered to be not more than seventy dollars (\$70) nor less than thirty dollars (\$30). In computing the compensation under this law with respect to injuries occurring on and after April 1, 1965, and prior to April 1, 1967, the average weekly wages shall be considered to be not more than seventy-five dollars (\$75) and not less than thirty dollars (\$30). In computing the compensation under this law with respect to injuries occurring on and after April 1, 1967, and prior to April 1, 1969, the average weekly wages shall be considered to be not more than eighty-five dollars (\$85) and not less than thirty-five dollars (\$35). In computing the compensation under this law with respect to injuries occurring on and after April 1, 1969, and prior to July 1, 1971, the average weekly wages shall be considered to be not more than ninety-five dollars (\$95) and not less than thirty-five dollars (\$35). In computing the compensation under this law with respect to injuries occurring on and after July 1, 1971, and prior to July 1, 1974, the average weekly wages shall be considered to be: (A) Not more than: (1) one hundred dollars (\$100) if no dependents; (2) one hundred five dollars (\$105) if one (1) dependent; (3) one hundred ten dollars (\$110) if two (2) dependents; (4) one hundred fifteen dollars (\$115) if three (3) dependents; (5) one hundred twenty dollars (\$120) if four (4) dependents; and (6) one hundred twenty-five dollars (\$125) if five (5) or more dependents; and (B) Not less than thirty-five dollars (\$35). In computing compensation for temporary total disability, temporary partial disability, and total permanent disability under this law with respect to injuries occurring on and after July 1, 1974, and before July 1, 1976, the average weekly wages shall be considered to be (A) not more than one hundred thirty-five dollars (\$135); and (B) not less than seventy-five dollars (\$75). However, the weekly compensation payable shall in no case exceed the average weekly wages of the employee at the time of the injury. In computing compensation for temporary total disability, temporary partial disability and total permanent disability under this law with respect to injuries occurring on and after July 1, 1976, and before July 1, 1977, the average weekly wages shall be considered to be (1) not more than one hundred fifty-six dollars (\$156) and (2) not less than seventy-five dollars (\$75). However, the weekly

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compensation payable shall not exceed the average weekly wages of the employee at the time of the injury. In computing compensation for temporary total disability; temporary partial disability; and total permanent disability; with respect to injuries occurring on and after July 1, 1977, and before July 1, 1979, the average weekly wages are considered to be (1) not more than one hundred eighty dollars (\$180); and (2) not less than seventy-five dollars (\$75). However, the weekly compensation payable may not exceed the average weekly wages of the employee at the time of the injury. In computing compensation for temporary total disability; temporary partial disability; and total permanent disability; with respect to injuries occurring on and after July 1, 1979, and before July 1, 1980, the average weekly wages are considered to be (1) not more than one hundred ninety-five dollars (\$195); and (2) not less than seventy-five dollars (\$75). However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury. In computing compensation for temporary total disability; temporary partial disability; and total permanent disability; with respect to injuries occurring on and after July 1, 1980, and before July 1, 1983, the average weekly wages are considered to be (1) not more than two hundred ten dollars (\$210); and (2) not less than seventy-five dollars (\$75). However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury. In computing compensation for temporary total disability; temporary partial disability; and total permanent disability; with respect to injuries occurring on and after July 1, 1983, and before July 1, 1984, the average weekly wages are considered to be (1) not more than two hundred thirty-four dollars (\$234) and (2) not less than seventy-five dollars (\$75). However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury. In computing compensation for temporary total disability; temporary partial disability; and total permanent disability; with respect to injuries occurring on and after July 1, 1984, and before July 1, 1985, the average weekly wages are considered to be (1) not more than two hundred forty-nine dollars (\$249) and (2) not less than seventy-five dollars (\$75). However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury. In computing compensation for temporary total disability; temporary partial disability; and total permanent disability; with respect to injuries occurring on and after July 1, 1985, and before July 1, 1986, the average weekly wages are considered to be:

(1) not more than two hundred sixty-seven dollars (\$267); and

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(2) not less than seventy-five dollars (\$75).

However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury.

(b) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1986, and before July 1, 1988, the average weekly wages are considered to be:

(1) not more than two hundred eighty-five dollars (\$285); and

(2) not less than seventy-five dollars (\$75).

However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury.

(c) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1988, and before July 1, 1989, the average weekly wages are considered to be:

(1) not more than three hundred eighty-four dollars (\$384); and

(2) not less than seventy-five dollars (\$75).

However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury.

(d) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1989, and before July 1, 1990, the average weekly wages are considered to be:

(1) not more than four hundred eleven dollars (\$411); and

(2) not less than seventy-five dollars (\$75).

However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury.

(e) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1990, and before July 1, 1991, the average weekly wages are considered to be:

(1) not more than four hundred forty-one dollars (\$441); and

(2) not less than seventy-five dollars (\$75).

However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury.

(f) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1991, and before July 1, 1992, the average weekly wages are considered to be:

(1) not more than four hundred ninety-two dollars (\$492); and

(2) not less than seventy-five dollars (\$75).

However, the weekly compensation payable shall not exceed the

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average weekly wages of the employee at the time of the injury.

(g) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1992, and before July 1, 1993, the average weekly wages are considered to be:

(1) not more than five hundred forty dollars (\$540); and

(2) not less than seventy-five dollars (\$75).

However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury.

(h) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1993, and before July 1, 1994, the average weekly wages are considered to be:

(1) not more than five hundred ninety-one dollars (\$591); and

(2) not less than seventy-five dollars (\$75).

However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury.

(i) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1994, and before July 1, 1997, the average weekly wages are considered to be:

(1) not more than six hundred forty-two dollars (\$642); and

(2) not less than seventy-five dollars (\$75).

However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury.

~~(b)~~ (j) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, the average weekly wages are considered to be:

(1) with respect to injuries occurring on and after July 1, 1997, and before July 1, 1998:

(A) not more than six hundred seventy-two dollars (\$672); and

(B) not less than seventy-five dollars (\$75);

(2) with respect to injuries occurring on and after July 1, 1998, and before July 1, 1999:

(A) not more than seven hundred two dollars (\$702); and

(B) not less than seventy-five dollars (\$75);

(3) with respect to injuries occurring on and after July 1, 1999, and before July 1, 2000:

(A) not more than seven hundred thirty-two dollars (\$732);

and

(B) not less than seventy-five dollars (\$75);

(4) with respect to injuries occurring on and after July 1, 2000,

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and before July 1, 2001:

(A) not more than seven hundred sixty-two dollars (\$762); and

(B) not less than seventy-five dollars (\$75);

(5) with respect to injuries occurring on and after July 1, 2001, and before July 1, 2002:

(A) not more than eight hundred twenty-two dollars (\$822); and

(B) not less than seventy-five dollars (\$75); and

(6) with respect to injuries occurring on and after July 1, 2002, and before July 1, 2005:

(A) not more than eight hundred eighty-two dollars (\$882); and

(B) not less than seventy-five dollars (\$75);

(7) with respect to injuries occurring on and after July 1, 2005, and before July 1, 2006:

(A) not more than nine hundred dollars (\$900); and

(B) not less than seventy-five dollars (\$75); and

(8) with respect to injuries occurring on and after July 1, 2006:

(A) not more than nine hundred thirty dollars (\$930); and

(B) not less than seventy-five dollars (\$75).

However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury.

(c) For the purpose of this section only and with respect to injuries occurring on and after July 1, 1971, and prior to July 1, 1974, only, the term "dependent" as used in this section shall mean persons defined as presumptive dependents under section 19 of this chapter, except that such dependency shall be determined as of the date of the injury to the employee.

(d) With respect to any injury occurring on and after April 1, 1955, and prior to April 1, 1957, the maximum compensation exclusive of medical benefits, which shall be paid for an injury under any provisions of this law or under any combination of its provisions shall not exceed twelve thousand five hundred dollars (\$12,500) in any case. With respect to any injury occurring on and after April 1, 1957 and prior to April 1, 1963, the maximum compensation exclusive of medical benefits, which shall be paid for an injury under any provision of this law or under any combination of its provisions shall not exceed fifteen thousand dollars (\$15,000) in any case. With respect to any injury occurring on and after April 1, 1963, and prior to April 1, 1965, the maximum compensation exclusive of medical benefits, which shall be paid for an injury under any provision of this law or under any

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1 combination of its provisions shall not exceed sixteen thousand five
2 hundred dollars (\$16,500) in any case. With respect to any injury
3 occurring on and after April 1, 1965, and prior to April 1, 1967, the
4 maximum compensation exclusive of medical benefits which shall be
5 paid for any injury under any provision of this law or any combination
6 of provisions shall not exceed twenty thousand dollars (\$20,000) in any
7 case. With respect to any injury occurring on and after April 1, 1967,
8 and prior to July 1, 1971, the maximum compensation exclusive of
9 medical benefits which shall be paid for an injury under any provision
10 of this law or any combination of provisions shall not exceed
11 twenty-five thousand dollars (\$25,000) in any case. With respect to any
12 injury occurring on and after July 1, 1971, and prior to July 1, 1974, the
13 maximum compensation exclusive of medical benefits which shall be
14 paid for any injury under any provision of this law or any combination
15 of provisions shall not exceed thirty thousand dollars (\$30,000) in any
16 case. With respect to any injury occurring on and after July 1, 1974,
17 and before July 1, 1976, the maximum compensation exclusive of
18 medical benefits which shall be paid for an injury under any provision
19 of this law or any combination of provisions shall not exceed forty-five
20 thousand dollars (\$45,000) in any case. With respect to an injury
21 occurring on and after July 1, 1976, and before July 1, 1977, the
22 maximum compensation, exclusive of medical benefits, which shall be
23 paid for any injury under any provision of this law or any combination
24 of provisions shall not exceed fifty-two thousand dollars (\$52,000) in
25 any case. With respect to any injury occurring on and after July 1,
26 1977, and before July 1, 1979, the maximum compensation, exclusive
27 of medical benefits, which may be paid for an injury under any
28 provision of this law or any combination of provisions may not exceed
29 sixty thousand dollars (\$60,000) in any case. With respect to any injury
30 occurring on and after July 1, 1979, and before July 1, 1980, the
31 maximum compensation, exclusive of medical benefits, which may be
32 paid for an injury under any provisions of this law or any combination
33 of provisions may not exceed sixty-five thousand dollars (\$65,000) in
34 any case. With respect to any injury occurring on and after July 1,
35 1980, and before July 1, 1983, the maximum compensation, exclusive
36 of medical benefits, which may be paid for an injury under any
37 provisions of this law or any combination of provisions may not exceed
38 seventy thousand dollars (\$70,000) in any case. With respect to any
39 injury occurring on and after July 1, 1983, and before July 1, 1984, the
40 maximum compensation, exclusive of medical benefits, which may be
41 paid for an injury under any provisions of this law or any combination
42 of provisions may not exceed seventy-eight thousand dollars (\$78,000)

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1 in any case. With respect to any injury occurring on and after July 1,
 2 1984, and before July 1, 1985, the maximum compensation, exclusive
 3 of medical benefits, which may be paid for an injury under any
 4 provisions of this law or any combination of provisions may not exceed
 5 eighty-three thousand dollars (\$83,000) in any case.

6 (k) With respect to any injury occurring on and after July 1, 1985,
 7 and before July 1, 1986, the maximum compensation, exclusive of
 8 medical benefits, which may be paid for an injury under any provisions
 9 of this law or any combination of provisions may not exceed
 10 eighty-nine thousand dollars (\$89,000) in any case.

11 (l) With respect to any injury occurring on and after July 1, 1986,
 12 and before July 1, 1988, the maximum compensation, exclusive of
 13 medical benefits, which may be paid for an injury under any provisions
 14 of this law or any combination of provisions may not exceed
 15 ninety-five thousand dollars (\$95,000) in any case.

16 (m) With respect to any injury occurring on and after July 1, 1988,
 17 and before July 1, 1989, the maximum compensation, exclusive of
 18 medical benefits, which may be paid for an injury under any provisions
 19 of this law or any combination of provisions may not exceed one
 20 hundred twenty-eight thousand dollars (\$128,000) in any case.

21 (n) With respect to any injury occurring on and after July 1, 1989,
 22 and before July 1, 1990, the maximum compensation, exclusive of
 23 medical benefits, which may be paid for an injury under any provisions
 24 of this law or any combination of provisions may not exceed one
 25 hundred thirty-seven thousand dollars (\$137,000) in any case.

26 (o) With respect to any injury occurring on and after July 1, 1990,
 27 and before July 1, 1991, the maximum compensation, exclusive of
 28 medical benefits, which may be paid for an injury under any provisions
 29 of this law or any combination of provisions may not exceed one
 30 hundred forty-seven thousand dollars (\$147,000) in any case.

31 (p) With respect to any injury occurring on and after July 1, 1991,
 32 and before July 1, 1992, the maximum compensation, exclusive of
 33 medical benefits, that may be paid for an injury under any provisions
 34 of this law or any combination of provisions may not exceed one
 35 hundred sixty-four thousand dollars (\$164,000) in any case.

36 (q) With respect to any injury occurring on and after July 1, 1992,
 37 and before July 1, 1993, the maximum compensation, exclusive of
 38 medical benefits, that may be paid for an injury under any provisions
 39 of this law or any combination of provisions may not exceed one
 40 hundred eighty thousand dollars (\$180,000) in any case.

41 (r) With respect to any injury occurring on and after July 1, 1993,
 42 and before July 1, 1994, the maximum compensation, exclusive of

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1 medical benefits, that may be paid for an injury under any provisions
 2 of this law or any combination of provisions may not exceed one
 3 hundred ninety-seven thousand dollars (\$197,000) in any case.

4 **(s)** With respect to any injury occurring on and after July 1, 1994,
 5 and before July 1, 1997, the maximum compensation, exclusive of
 6 medical benefits, which may be paid for an injury under any provisions
 7 of this law or any combination of provisions may not exceed two
 8 hundred fourteen thousand dollars (\$214,000) in any case.

9 ~~(e)~~ **(t)** The maximum compensation, exclusive of medical benefits,
 10 that may be paid for an injury under any provision of this law or any
 11 combination of provisions may not exceed the following amounts in
 12 any case:

13 (1) With respect to an injury occurring on and after July 1, 1997,
 14 and before July 1, 1998, two hundred twenty-four thousand
 15 dollars (\$224,000).

16 (2) With respect to an injury occurring on and after July 1, 1998,
 17 and before July 1, 1999, two hundred thirty-four thousand dollars
 18 (\$234,000).

19 (3) With respect to an injury occurring on and after July 1, 1999,
 20 and before July 1, 2000, two hundred forty-four thousand dollars
 21 (\$244,000).

22 (4) With respect to an injury occurring on and after July 1, 2000,
 23 and before July 1, 2001, two hundred fifty-four thousand dollars
 24 (\$254,000).

25 (5) With respect to an injury occurring on and after July 1, 2001,
 26 and before July 1, 2002, two hundred seventy-four thousand
 27 dollars (\$274,000).

28 (6) With respect to an injury occurring on and after July 1, 2002,
 29 **and before July 1, 2005**, two hundred ninety-four thousand
 30 dollars (\$294,000).

31 **(7) With respect to an injury occurring on and after July 1,**
 32 **2005, and before July 1, 2006, three hundred thousand dollars**
 33 **(\$300,000).**

34 **(8) With respect to an injury occurring on and after July 1,**
 35 **2006, three hundred ten thousand dollars (\$310,000).**

36 SECTION 6. IC 22-3-7-16 IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 16. (a) Compensation
 38 shall be allowed on account of disablement from occupational disease
 39 resulting in only temporary total disability to work or temporary partial
 40 disability to work beginning with the eighth day of such disability
 41 except for the medical benefits provided for in section 17 of this
 42 chapter. Compensation shall be allowed for the first seven (7) calendar

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1 days only as provided in this section. The first weekly installment of
 2 compensation for temporary disability is due fourteen (14) days after
 3 the disability begins. Not later than fifteen (15) days from the date that
 4 the first installment of compensation is due, the employer or the
 5 employer's insurance carrier shall tender to the employee or to the
 6 employee's dependents, with all compensation due, a properly prepared
 7 compensation agreement in a form prescribed by the board. Whenever
 8 an employer or the employer's insurance carrier denies or is not able to
 9 determine liability to pay compensation or benefits, the employer or the
 10 employer's insurance carrier shall notify the worker's compensation
 11 board and the employee in writing on a form prescribed by the worker's
 12 compensation board not later than thirty (30) days after the employer's
 13 knowledge of the claimed disablement. If a determination of liability
 14 cannot be made within thirty (30) days, the worker's compensation
 15 board may approve an additional thirty (30) days upon a written request
 16 of the employer or the employer's insurance carrier that sets forth the
 17 reasons that the determination could not be made within thirty (30)
 18 days and states the facts or circumstances that are necessary to
 19 determine liability within the additional thirty (30) days. More than
 20 thirty (30) days of additional time may be approved by the worker's
 21 compensation board upon the filing of a petition by the employer or the
 22 employer's insurance carrier that sets forth:

- 23 (1) the extraordinary circumstances that have precluded a
- 24 determination of liability within the initial sixty (60) days;
- 25 (2) the status of the investigation on the date the petition is filed;
- 26 (3) the facts or circumstances that are necessary to make a
- 27 determination; and
- 28 (4) a timetable for the completion of the remaining investigation.

29 An employer who fails to comply with this section is subject to a civil
 30 penalty of fifty dollars (\$50), to be assessed and collected by the board
 31 upon notice and hearing. Civil penalties collected under this section
 32 shall be deposited in the state general fund.

33 (b) Once begun, temporary total disability benefits may not be
 34 terminated by the employer unless:

- 35 (1) the employee has returned to work;
- 36 (2) the employee has died;
- 37 (3) the employee has refused to undergo a medical examination
- 38 under section 20 of this chapter;
- 39 (4) the employee has received five hundred (500) weeks of
- 40 temporary total disability benefits or has been paid the maximum
- 41 compensation allowable under section 19 of this chapter; or
- 42 (5) the employee is unable or unavailable to work for reasons

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unrelated to the compensable disease.

In all other cases the employer must notify the employee in writing of the employer's intent to terminate the payment of temporary total disability benefits, and of the availability of employment, if any, on a form approved by the board. If the employee disagrees with the proposed termination, the employee must give written notice of disagreement to the board and the employer within seven (7) days after receipt of the notice of intent to terminate benefits. If the board and employer do not receive a notice of disagreement under this section, the employee's temporary total disability benefits shall be terminated. Upon receipt of the notice of disagreement, the board shall immediately contact the parties, which may be by telephone or other means and attempt to resolve the disagreement. If the board is unable to resolve the disagreement within ten (10) days of receipt of the notice of disagreement, the board shall immediately arrange for an evaluation of the employee by an independent medical examiner. The independent medical examiner shall be selected by mutual agreement of the parties or, if the parties are unable to agree, appointed by the board under IC 22-3-4-11. If the independent medical examiner determines that the employee is no longer temporarily disabled or is still temporarily disabled but can return to employment that the employer has made available to the employee, or if the employee fails or refuses to appear for examination by the independent medical examiner, temporary total disability benefits may be terminated. If either party disagrees with the opinion of the independent medical examiner, the party shall apply to the board for a hearing under section 27 of this chapter.

(c) An employer is not required to continue the payment of temporary total disability benefits for more than fourteen (14) days after the employer's proposed termination date unless the independent medical examiner determines that the employee is temporarily disabled and unable to return to any employment that the employer has made available to the employee.

(d) If it is determined that as a result of this section temporary total disability benefits were overpaid, the overpayment shall be deducted from any benefits due the employee under this section and, if there are no benefits due the employee or the benefits due the employee do not equal the amount of the overpayment, the employee shall be responsible for paying any overpayment which cannot be deducted from benefits due the employee.

(e) For disablements occurring on and after April 1, 1951, and prior to July 1, 1971, from occupational disease resulting in temporary total disability for any work there shall be paid to the disabled employee

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during such temporary total disability a weekly compensation equal to sixty percent (60%) of the employee's average weekly wages for a period not to exceed five hundred (500) weeks. Compensation shall be allowed for the first seven (7) calendar days only if the disability continues for longer than twenty-eight (28) days.

For disablements occurring on and after July 1, 1971, and prior to July 1, 1974, from occupational disease resulting in temporary total disability for any work there shall be paid to the disabled employee during such temporary total disability a weekly compensation equal to sixty percent (60%) of the employee's average weekly wages, as defined in section 19 of this chapter, for a period not to exceed five hundred (500) weeks. Compensation shall be allowed for the first seven (7) calendar days only if the disability continues for longer than twenty-eight (28) days.

For disablements occurring on and after July 1, 1974, and before July 1, 1976, from occupational disease resulting in temporary total disability for any work there shall be paid to the disabled employee during such temporary total disability a weekly compensation equal to sixty-six and two-thirds percent (66 2/3%) of the employee's average weekly wages, up to one hundred thirty-five dollars (\$135) average weekly wages, as defined in section 19 of this chapter, for a period not to exceed five hundred (500) weeks. Compensation shall be allowed for the first seven (7) calendar days only if the disability continues for longer than twenty-one (21) days.

(e) For disablements occurring on and after July 1, 1976, from occupational disease resulting in temporary total disability for any work there shall be paid to the disabled employee during the temporary total disability weekly compensation equal to sixty-six and two-thirds percent (66 2/3%) of the employee's average weekly wages, as defined in section 19 of this chapter, for a period not to exceed five hundred (500) weeks. Compensation shall be allowed for the first seven (7) calendar days only if the disability continues for longer than twenty-one (21) days.

(f) For disablements occurring on and after April 1, 1951, and prior to July 1, 1971, from occupational disease resulting in temporary partial disability for work there shall be paid to the disabled employee during such disability a weekly compensation equal to sixty percent (60%) of the difference between the employee's average weekly wages and the weekly wages at which the employee is actually employed after the disablement, for a period not to exceed three hundred (300) weeks. Compensation shall be allowed for the first seven (7) calendar days only if the disability continues for longer than twenty-eight (28) days.

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In case of partial disability after the period of temporary total disability, the later period shall be included as part of the maximum period allowed for partial disability.

For disablements occurring on and after July 1, 1971, and prior to July 1, 1974, from occupational disease resulting in temporary partial disability for work there shall be paid to the disabled employee during such disability a weekly compensation equal to sixty percent (60%) of the difference between the employee's average weekly wages, as defined in section 19 of this chapter, and the weekly wages at which the employee is actually employed after the disablement, for a period not to exceed three hundred (300) weeks. Compensation shall be allowed for the first seven (7) calendar days only if the disability continues for longer than twenty-eight (28) days. In case of partial disability after the period of temporary total disability, the latter period shall be included as a part of the maximum period allowed for partial disability.

(f) For disablements occurring on and after July 1, 1974, from occupational disease resulting in temporary partial disability for work there shall be paid to the disabled employee during such disability a weekly compensation equal to sixty-six and two-thirds percent (66 2/3%) of the difference between the employee's average weekly wages, as defined in section 19 of this chapter, and the weekly wages at which ~~he~~ **the employee** is actually employed after the disablement, for a period not to exceed three hundred (300) weeks. Compensation shall be allowed for the first seven (7) calendar days only if the disability continues for longer than twenty-one (21) days. In case of partial disability after the period of temporary total disability, the latter period shall be included as a part of the maximum period allowed for partial disability.

(g) For disabilities occurring on and after April 1, 1951, and prior to April 1, 1955, from occupational disease in the following schedule, the employee shall receive in lieu of all other compensation, on account of such disabilities, a weekly compensation of sixty percent (60%) of the employee's average weekly wage; for disabilities occurring on and after April 1, 1955, and prior to July 1, 1971, from occupational disease in the following schedule, the employee shall receive in addition to disability benefits not exceeding twenty-six (26) weeks on account of said occupational disease a weekly compensation of sixty percent (60%) of the employee's average weekly wages.

For disabilities occurring on and after July 1, 1971, and before July 1, 1977, from occupational disease in the following schedule, the employee shall receive in addition to disability benefits not exceeding twenty-six (26) weeks on account of said occupational disease a weekly

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1 compensation of sixty percent (60%) of his average weekly wages not
 2 to exceed one hundred dollars (\$100) average weekly wages, for the
 3 period stated for such disabilities respectively.

4 For disabilities occurring on and after July 1, 1977, and before July
 5 1, 1979, from occupational disease in the following schedule, the
 6 employee shall receive in addition to disability benefits not exceeding
 7 twenty-six (26) weeks on account of the occupational disease a weekly
 8 compensation of sixty percent (60%) of the employee's average weekly
 9 wages, not to exceed one hundred twenty-five dollars (\$125) average
 10 weekly wages, for the period stated for the disabilities.

11 (g) For disabilities occurring on and after July 1, 1979, and before
 12 July 1, 1988, from occupational disease in the ~~following~~ schedule **set**
 13 **forth in subsection (j)**, the employee shall receive in addition to
 14 disability benefits, not exceeding fifty-two (52) weeks on account of
 15 the occupational disease, a weekly compensation of sixty percent
 16 (60%) of the employee's average weekly wages, not to exceed one
 17 hundred twenty-five dollars (\$125) average weekly wages, for the
 18 period stated for the disabilities.

19 (h) For disabilities occurring on and after July 1, 1988, and before
 20 July 1, 1989, from occupational disease in the ~~following~~ schedule **set**
 21 **forth in subsection (j)**, the employee shall receive in addition to
 22 disability benefits, not exceeding seventy-eight (78) weeks on account
 23 of the occupational disease, a weekly compensation of sixty percent
 24 (60%) of the employee's average weekly wages, not to exceed one
 25 hundred sixty-six dollars (\$166) average weekly wages, for the period
 26 stated for the disabilities.

27 (i) For disabilities occurring on and after July 1, 1989, and before
 28 July 1, 1990, from occupational disease in the ~~following~~ schedule **set**
 29 **forth in subsection (j)**, the employee shall receive in addition to
 30 disability benefits, not exceeding seventy-eight (78) weeks on account
 31 of the occupational disease, a weekly compensation of sixty percent
 32 (60%) of the employee's average weekly wages, not to exceed one
 33 hundred eighty-three dollars (\$183) average weekly wages, for the
 34 period stated for the disabilities.

35 (j) For disabilities occurring on and after July 1, 1990, and before
 36 July 1, 1991, from occupational disease in the following schedule, the
 37 employee shall receive in addition to disability benefits, not exceeding
 38 seventy-eight (78) weeks on account of the occupational disease, a
 39 weekly compensation of sixty percent (60%) of the employee's average
 40 weekly wages, not to exceed two hundred dollars (\$200) average
 41 weekly wages, for the period stated for the disabilities.

42 (1) Amputations: For the loss by separation, of the thumb, sixty

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1 (60) weeks; of the index finger, forty (40) weeks; of the second
 2 finger, thirty-five (35) weeks; of the third or ring finger, thirty
 3 (30) weeks; of the fourth or little finger, twenty (20) weeks; of the
 4 hand by separation below the elbow, two hundred (200) weeks; of
 5 the arm above the elbow joint, two hundred fifty (250) weeks; of
 6 the big toe, sixty (60) weeks; of the second toe, thirty (30) weeks;
 7 of the third toe, twenty (20) weeks; of the fourth toe, fifteen (15)
 8 weeks; of the fifth or little toe, ten (10) weeks; of the foot below
 9 the knee joint, one hundred fifty (150) weeks; and of the leg
 10 above the knee joint, two hundred (200) weeks. The loss of more
 11 than one (1) phalange of a thumb or toe shall be considered as the
 12 loss of the entire thumb or toe. The loss of more than two (2)
 13 phalanges of a finger shall be considered as the loss of the entire
 14 finger. The loss of not more than one (1) phalange of a thumb or
 15 toe shall be considered as the loss of one-half (1/2) of the thumb
 16 or toe and compensation shall be paid for one-half (1/2) of the
 17 period for the loss of the entire thumb or toe. The loss of not more
 18 than two (2) phalanges of a finger shall be considered as the loss
 19 of one-half (1/2) the finger and compensation shall be paid for
 20 one-half (1/2) of the period for the loss of the entire finger.
 21 (2) Loss of Use: The total permanent loss of the use of an arm,
 22 hand, thumb, finger, leg, foot, toe, or phalange shall be considered
 23 as the equivalent of the loss by separation of the arm, hand,
 24 thumb, finger, leg, foot, toe, or phalange and the compensation
 25 shall be paid for the same period as for the loss thereof by
 26 separation.
 27 (3) Partial Loss of Use: For the permanent partial loss of the use
 28 of an arm, hand, thumb, finger, leg, foot, toe, or phalange,
 29 compensation shall be paid for the proportionate loss of the use of
 30 such arm, hand, thumb, finger, leg, foot, toe, or phalange.
 31 (4) For disablements for occupational disease resulting in total
 32 permanent disability, five hundred (500) weeks.
 33 (5) For the loss of both hands, or both feet, or the total sight of
 34 both eyes, or any two (2) of such losses resulting from the same
 35 disablement by occupational disease, five hundred (500) weeks.
 36 (6) For the permanent and complete loss of vision by enucleation
 37 of an eye or its reduction to one-tenth (1/10) of normal vision with
 38 glasses, one hundred fifty (150) weeks, and for any other
 39 permanent reduction of the sight of an eye, compensation shall be
 40 paid for a period proportionate to the degree of such permanent
 41 reduction without correction or glasses. However, when such
 42 permanent reduction without correction or glasses would result in

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one hundred percent (100%) loss of vision, but correction or glasses would result in restoration of vision, then compensation shall be paid for fifty percent (50%) of such total loss of vision without glasses plus an additional amount equal to the proportionate amount of such reduction with glasses, not to exceed an additional fifty percent (50%).

(7) For the permanent and complete loss of hearing, two hundred (200) weeks.

(8) In all other cases of permanent partial impairment, compensation proportionate to the degree of such permanent partial impairment, in the discretion of the worker's compensation board, not exceeding five hundred (500) weeks.

(9) In all cases of permanent disfigurement, which may impair the future usefulness or opportunities of the employee, compensation in the discretion of the worker's compensation board, not exceeding two hundred (200) weeks, except that no compensation shall be payable under this paragraph where compensation shall be payable under subdivisions (1) through (8). Where compensation for temporary total disability has been paid, this amount of compensation shall be deducted from any compensation due for permanent disfigurement.

(k) With respect to disablements in the following schedule occurring on and after July 1, 1991, the employee shall receive in addition to temporary total disability benefits, not exceeding one hundred twenty-five (125) weeks on account of the disablement, compensation in an amount determined under the following schedule to be paid weekly at a rate of sixty-six and two-thirds percent (66 2/3%) of the employee's average weekly wages during the fifty-two (52) weeks immediately preceding the week in which the disablement occurred:

(1) Amputation: For the loss by separation of the thumb, twelve (12) degrees of permanent impairment; of the index finger, eight (8) degrees of permanent impairment; of the second finger, seven (7) degrees of permanent impairment; of the third or ring finger, six (6) degrees of permanent impairment; of the fourth or little finger, four (4) degrees of permanent impairment; of the hand by separation below the elbow joint, forty (40) degrees of permanent impairment; of the arm above the elbow, fifty (50) degrees of permanent impairment; of the big toe, twelve (12) degrees of permanent impairment; of the second toe, six (6) degrees of permanent impairment; of the third toe, four (4) degrees of permanent impairment; of the fourth toe, three (3) degrees of

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permanent impairment; of the fifth or little toe, two (2) degrees of permanent impairment; of separation of the foot below the knee joint, thirty-five (35) degrees of permanent impairment; and of the leg above the knee joint, forty-five (45) degrees of permanent impairment.

(2) Amputations occurring on or after July 1, 1997: For the loss by separation of any of the body parts described in subdivision (1) on or after July 1, 1997, the dollar values per degree applying on the date of the injury as described in subsection ~~(tt)~~ (l) shall be multiplied by two (2). However, the doubling provision of this subdivision does not apply to a loss of use that is not a loss by separation.

(3) The loss of more than one (1) phalange of a thumb or toe shall be considered as the loss of the entire thumb or toe. The loss of more than two (2) phalanges of a finger shall be considered as the loss of the entire finger. The loss of not more than one (1) phalange of a thumb or toe shall be considered as the loss of one-half (1/2) of the degrees of permanent impairment for the loss of the entire thumb or toe. The loss of not more than one (1) phalange of a finger shall be considered as the loss of one-third (1/3) of the finger and compensation shall be paid for one-third (1/3) of the degrees payable for the loss of the entire finger. The loss of more than one (1) phalange of the finger but not more than two (2) phalanges of the finger shall be considered as the loss of one-half (1/2) of the finger and compensation shall be paid for one-half (1/2) of the degrees payable for the loss of the entire finger.

(4) For the loss by separation of both hands or both feet or the total sight of both eyes or any two (2) such losses in the same accident, one hundred (100) degrees of permanent impairment.

(5) For the permanent and complete loss of vision by enucleation or its reduction to one-tenth (1/10) of normal vision with glasses, thirty-five (35) degrees of permanent impairment.

(6) For the permanent and complete loss of hearing in one (1) ear, fifteen (15) degrees of permanent impairment, and in both ears, forty (40) degrees of permanent impairment.

(7) For the loss of one (1) testicle, ten (10) degrees of permanent impairment; for the loss of both testicles, thirty (30) degrees of permanent impairment.

(8) Loss of use: The total permanent loss of the use of an arm, a hand, a thumb, a finger, a leg, a foot, a toe, or a phalange shall be considered as the equivalent of the loss by separation of the arm,

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hand, thumb, finger, leg, foot, toe, or phalange, and compensation shall be paid in the same amount as for the loss by separation. However, the doubling provision of subdivision (2) does not apply to a loss of use that is not a loss by separation.

(9) Partial loss of use: For the permanent partial loss of the use of an arm, a hand, a thumb, a finger, a leg, a foot, a toe, or a phalange, compensation shall be paid for the proportionate loss of the use of the arm, hand, thumb, finger, leg, foot, toe, or phalange.

(10) For disablements resulting in total permanent disability, the amount payable for impairment or five hundred (500) weeks of compensation, whichever is greater.

(11) For any permanent reduction of the sight of an eye less than a total loss as specified in subdivision (5), the compensation shall be paid in an amount proportionate to the degree of a permanent reduction without correction or glasses. However, when a permanent reduction without correction or glasses would result in one hundred percent (100%) loss of vision, then compensation shall be paid for fifty percent (50%) of the total loss of vision without glasses, plus an additional amount equal to the proportionate amount of the reduction with glasses, not to exceed an additional fifty percent (50%).

(12) For any permanent reduction of the hearing of one (1) or both ears, less than the total loss as specified in subdivision (6), compensation shall be paid in an amount proportionate to the degree of a permanent reduction.

(13) In all other cases of permanent partial impairment, compensation proportionate to the degree of a permanent partial impairment, in the discretion of the worker's compensation board, not exceeding one hundred (100) degrees of permanent impairment.

(14) In all cases of permanent disfigurement which may impair the future usefulness or opportunities of the employee, compensation, in the discretion of the worker's compensation board, not exceeding forty (40) degrees of permanent impairment except that no compensation shall be payable under this subdivision where compensation is payable elsewhere in this section.

~~(h)~~ (l) With respect to disablements occurring on and after July 1, 1991, compensation for permanent partial impairment shall be paid according to the degree of permanent impairment for the disablement determined under subsection ~~(d)~~ (k) and the following:

(1) With respect to disablements occurring on and after July 1,

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1991, and before July 1, 1992, for each degree of permanent impairment from one (1) to thirty-five (35), five hundred dollars (\$500) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), nine hundred dollars (\$900) per degree; for each degree of permanent impairment above fifty (50), one thousand five hundred dollars (\$1,500) per degree.

(2) With respect to disablements occurring on and after July 1, 1992, and before July 1, 1993, for each degree of permanent impairment from one (1) to twenty (20), five hundred dollars (\$500) per degree; for each degree of permanent impairment from twenty-one (21) to thirty-five (35), eight hundred dollars (\$800) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand three hundred dollars (\$1,300) per degree; for each degree of permanent impairment above fifty (50), one thousand seven hundred dollars (\$1,700) per degree.

(3) With respect to disablements occurring on and after July 1, 1993, and before July 1, 1997, for each degree of permanent impairment from one (1) to ten (10), five hundred dollars (\$500) per degree; for each degree of permanent impairment from eleven (11) to twenty (20), seven hundred dollars (\$700) per degree; for each degree of permanent impairment from twenty-one (21) to thirty-five (35), one thousand dollars (\$1,000) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand four hundred dollars (\$1,400) per degree; for each degree of permanent impairment above fifty (50), one thousand seven hundred dollars (\$1,700) per degree.

(4) With respect to disablements occurring on and after July 1, 1997, and before July 1, 1998, for each degree of permanent impairment from one (1) to ten (10), seven hundred fifty dollars (\$750) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand dollars (\$1,000) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand four hundred dollars (\$1,400) per degree; for each degree of permanent impairment above fifty (50), one thousand seven hundred dollars (\$1,700) per degree.

(5) With respect to disablements occurring on and after July 1, 1998, and before July 1, 1999, for each degree of permanent impairment from one (1) to ten (10), seven hundred fifty dollars (\$750) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand dollars (\$1,000) per degree; for each degree of permanent impairment from thirty-six

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(36) to fifty (50), one thousand four hundred dollars (\$1,400) per degree; for each degree of permanent impairment above fifty (50), one thousand seven hundred dollars (\$1,700) per degree.

(6) With respect to disablements occurring on and after July 1, 1999, and before July 1, 2000, for each degree of permanent impairment from one (1) to ten (10), nine hundred dollars (\$900) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand one hundred dollars (\$1,100) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand six hundred dollars (\$1,600) per degree; for each degree of permanent impairment above fifty (50), two thousand dollars (\$2,000) per degree.

(7) With respect to disablements occurring on and after July 1, 2000, and before July 1, 2001, for each degree of permanent impairment from one (1) to ten (10), one thousand one hundred dollars (\$1,100) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand three hundred dollars (\$1,300) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand dollars (\$2,000) per degree; for each degree of permanent impairment above fifty (50), two thousand five hundred dollars (\$2,500) per degree.

(8) With respect to disablements occurring on and after July 1, 2001, for each degree of permanent impairment from one (1) to ten (10), one thousand three hundred dollars (\$1,300) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand five hundred dollars (\$1,500) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand four hundred dollars (\$2,400) per degree; for each degree of permanent impairment above fifty (50), three thousand dollars (\$3,000) per degree.

~~(f)~~ (m) The average weekly wages used in the determination of compensation for permanent partial impairment under subsections ~~(g)~~ (k) and ~~(h)~~ (l) shall not exceed the following:

(1) With respect to disablements occurring on or after July 1, 1991, and before July 1, 1992, four hundred ninety-two dollars (\$492).

(2) With respect to disablements occurring on or after July 1, 1992, and before July 1, 1993, five hundred forty dollars (\$540).

(3) With respect to disablements occurring on or after July 1, 1993, and before July 1, 1994, five hundred ninety-one dollars (\$591).



(4) With respect to disablements occurring on or after July 1, 1994, and before July 1, 1997, six hundred forty-two dollars (\$642).

(5) With respect to disablements occurring on or after July 1, 1997, and before July 1, 1998, six hundred seventy-two dollars (\$672).

(6) With respect to disablements occurring on or after July 1, 1998, and before July 1, 1999, seven hundred two dollars (\$702).

(7) With respect to disablements occurring on or after July 1, 1999, and before July 1, 2000, seven hundred thirty-two dollars (\$732).

(8) With respect to disablements occurring on or after July 1, 2000, and before July 1, 2001, seven hundred sixty-two dollars (\$762).

(9) With respect to injuries occurring on or after July 1, 2001, and before July 1, 2002, eight hundred twenty-two dollars (\$822).

(10) With respect to injuries occurring on or after July 1, 2002, **and before July 1, 2005**, eight hundred eighty-two dollars (\$882).

(11) With respect to injuries occurring on or after July 1, 2005, and before July 1, 2006, nine hundred dollars (\$900).

(12) With respect to injuries occurring on or after July 1, 2006, nine hundred thirty dollars (\$930).

~~(j)~~ (n) If any employee, only partially disabled, refuses employment suitable to ~~his~~ **the employee's** capacity procured for ~~him~~, ~~he~~ **the employee, the employee** shall not be entitled to any compensation at any time during the continuance of such refusal unless, in the opinion of the worker's compensation board, such refusal was justifiable. The employee must be served with a notice setting forth the consequences of the refusal under this subsection. The notice must be in a form prescribed by the worker's compensation board.

~~(k)~~ (o) If an employee has sustained a permanent impairment or disability from an accidental injury other than an occupational disease in another employment than that in which ~~he~~ **the employee** suffered a subsequent disability from an occupational disease, such as herein specified, the employee shall be entitled to compensation for the subsequent disability in the same amount as if the previous impairment or disability had not occurred. However, if the permanent impairment or disability resulting from an occupational disease for which compensation is claimed results only in the aggravation or increase of a previously sustained permanent impairment from an occupational disease or physical condition regardless of the source or cause of such

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1 previously sustained impairment from an occupational disease or
 2 physical condition, the board shall determine the extent of the
 3 previously sustained permanent impairment from an occupational
 4 disease or physical condition as well as the extent of the aggravation or
 5 increase resulting from the subsequent permanent impairment or
 6 disability, and shall award compensation only for that part of said
 7 occupational disease or physical condition resulting from the
 8 subsequent permanent impairment. An amputation of any part of the
 9 body or loss of any or all of the vision of one (1) or both eyes caused by
 10 an occupational disease shall be considered as a permanent impairment
 11 or physical condition.

12 (†) (p) If an employee suffers a disablement from occupational
 13 disease for which compensation is payable while the employee is still
 14 receiving or entitled to compensation for a previous injury by accident
 15 or disability by occupational disease in the same employment, ~~he the~~
 16 **employee** shall not at the same time be entitled to compensation for
 17 both, unless it be for a permanent injury, such as specified in
 18 subsection (g)(1), (g)(4), (g)(5), (g)(8), or (g)(9); **(k)(1), (k)(4), (k)(5),**
 19 **(k)(8), or (k)(9)**, but the employee shall be entitled to compensation for
 20 that disability and from the time of that disability which will cover the
 21 longest period and the largest amount payable under this chapter.

22 (†) (q) If an employee receives a permanent disability from
 23 occupational disease such as specified in subsection (g)(1), (g)(4),
 24 (g)(5), (g)(8), or (g)(9) **(k)(1), (k)(4), (k)(5), (k)(8), or (k)(9)** after
 25 having sustained another such permanent disability in the same
 26 employment the employee shall be entitled to compensation for both
 27 such disabilities, but the total compensation shall be paid by extending
 28 the period and not by increasing the amount of weekly compensation
 29 and, when such previous and subsequent permanent disabilities, in
 30 combination result in total permanent disability or permanent total
 31 impairment, compensation shall be payable for such permanent total
 32 disability or impairment, but payments made for the previous disability
 33 or impairment shall be deducted from the total payment of
 34 compensation due.

35 (†) (n) When an employee has been awarded or is entitled to an award
 36 of compensation for a definite period under this chapter for disability
 37 from occupational disease, which disablement occurs on and after April
 38 1, 1951, and prior to April 1, 1963, and such employee dies from any
 39 other cause than such occupational disease, payment of the unpaid
 40 balance of such compensation, not exceeding three hundred (300)
 41 weeks, shall be made to the employee's dependents of the second and
 42 third class as defined in sections 11 through 14 of this chapter, and

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1 compensation, not exceeding five hundred (500) weeks, shall be made
 2 to the employee's dependents of the first class as defined in sections 11
 3 through 14 of this chapter. (r) When an employee has been awarded or
 4 is entitled to an award of compensation for a definite period from an
 5 occupational disease wherein disablement occurs on and after April 1,
 6 1963, and such employee dies from other causes than such
 7 occupational disease, payment of the unpaid balance of such
 8 compensation not exceeding three hundred fifty (350) weeks shall be
 9 paid to the employee's dependents of the second and third class as
 10 defined in sections 11 through 14 of this chapter and compensation, not
 11 exceeding five hundred (500) weeks shall be made to the employee's
 12 dependents of the first class as defined in sections 11 through 14 of this
 13 chapter.

14 (s) Any payment made by the employer to the employee during
 15 the period of the employee's disability, or to the employee's dependents,
 16 which, by the terms of this chapter, was not due and payable when
 17 made, may, subject to the approval of the worker's compensation board,
 18 be deducted from the amount to be paid as compensation, but such
 19 deduction shall be made from the distal end of the period during which
 20 compensation must be paid, except in cases of temporary disability.

21 (t) When so provided in the compensation agreement or in the
 22 award of the worker's compensation board, compensation may be paid
 23 semimonthly, or monthly, instead of weekly.

24 (u) When the aggregate payments of compensation awarded by
 25 agreement or upon hearing to an employee or dependent under eighteen
 26 (18) years of age do not exceed one hundred dollars (\$100), the
 27 payment thereof may be made directly to such employee or dependent,
 28 except when the worker's compensation board shall order otherwise.

29 (v) Whenever the aggregate payments of compensation, due to any
 30 person under eighteen (18) years of age, exceed one hundred dollars
 31 (\$100), the payment thereof shall be made to a trustee, appointed by the
 32 circuit or superior court, or to a duly qualified guardian, or, upon the
 33 order of the worker's compensation board, to a parent or to such minor
 34 person. The payment of compensation, due to any person eighteen (18)
 35 years of age or over, may be made directly to such person.

36 (w) If an employee, or a dependent, is mentally incompetent, or
 37 a minor at the time when any right or privilege accrues to the employee
 38 under this chapter, the employee's guardian or trustee may, in the
 39 employee's behalf, claim and exercise such right and privilege.

40 (x) All compensation payments named and provided for in this
 41 section, shall mean and be defined to be for only such occupational
 42 diseases and disabilities therefrom as are proved by competent

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1 evidence, of which there are or have been objective conditions or
 2 symptoms proven, not within the physical or mental control of the
 3 employee. ~~himself~~.

4 SECTION 7. IC 22-3-7-17 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 17. (a) During the
 6 period of disablement, the employer shall furnish or cause to be
 7 furnished, free of charge to the employee, an attending physician for
 8 the treatment of ~~his~~ **the employee's** occupational disease, and in
 9 addition thereto such surgical, hospital, and nursing services and
 10 supplies as the attending physician or the worker's compensation board
 11 may deem necessary. If the employee is requested or required by the
 12 employer to submit to treatment outside the county of employment, the
 13 employer shall also pay the reasonable expense of travel, food, and
 14 lodging necessary during the travel, but not to exceed the amount paid
 15 at the time of the travel by the state ~~of Indiana~~ to its employees. If the
 16 treatment or travel to or from the place of treatment causes a loss of
 17 working time to the employee, the employer shall reimburse the
 18 employee for the loss of wages using the basis of the employee's
 19 average daily wage.

20 (b) During the period of disablement resulting from the occupational
 21 disease, the employer shall furnish such physician, services, and
 22 supplies, and the worker's compensation board may, on proper
 23 application of either party, require that treatment by such physician and
 24 such services and supplies be furnished by or on behalf of the employer
 25 as the board may deem reasonably necessary. After an employee's
 26 occupational disease has been adjudicated by agreement or award on
 27 the basis of permanent partial impairment and within the statutory
 28 period for review in such case as provided in section 27(i) of this
 29 chapter, the employer may continue to furnish a physician or a surgeon
 30 and other medical services and supplies, and the board may, within
 31 such statutory period for review as provided in section 27(i) of this
 32 chapter, on a proper application of either party, require that treatment
 33 by such physician or surgeon and such services and supplies be
 34 furnished by and on behalf of the employer as the board may deem
 35 necessary to limit or reduce the amount and extent of such impairment.
 36 The refusal of the employee to accept such services and supplies when
 37 so provided by or on behalf of the employer, shall bar the employee
 38 from all compensation otherwise payable during the period of such
 39 refusal and ~~his~~ **the employee's** right to prosecute any proceeding under
 40 this chapter shall be suspended and abated until such refusal ceases.
 41 The employee must be served with a notice setting forth the
 42 consequences of the refusal under this section. The notice must be in

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1 a form prescribed by the worker's compensation board. No
 2 compensation for permanent total impairment, permanent partial
 3 impairment, permanent disfigurement, or death shall be paid or payable
 4 for that part or portion of such impairment, disfigurement, or death
 5 which is the result of the failure of such employee to accept such
 6 treatment, services, and supplies, provided that an employer may at any
 7 time permit an employee to have treatment for ~~his~~ **the employee's**
 8 disease or injury by spiritual means or prayer in lieu of such physician,
 9 services, and supplies.

10 (c) Regardless of when it occurs, where a compensable occupational
 11 disease results in the amputation of a body part, the enucleation of an
 12 eye, or the loss of natural teeth, the employer shall furnish an
 13 appropriate artificial member, braces, and prosthodontics. The cost of
 14 repairs to or replacements for the artificial members, braces, or
 15 prosthodontics that result from a compensable occupational disease
 16 pursuant to a prior award and are required due to either medical
 17 necessity or normal wear and tear, determined according to the
 18 employee's individual use, but not abuse, of the artificial member,
 19 braces, or prosthodontics, shall be paid from the second injury fund
 20 upon order or award of the worker's compensation board. The
 21 employee is not required to meet any other requirement for admission
 22 to the second injury fund.

23 (d) If an emergency or because of the employer's failure to provide
 24 such attending physician or such surgical, hospital, or nurse's services
 25 and supplies or such treatment by spiritual means or prayer as specified
 26 in this section, ~~or for other good reason~~, a physician other than that
 27 provided by the employer treats the diseased employee within the
 28 period of disability, or necessary and proper surgical, hospital, or
 29 nurse's services and supplies are procured within the period, the
 30 reasonable cost of such services and supplies shall, subject to approval
 31 of the worker's compensation board, be paid by the employer.

32 (e) This section may not be construed to prohibit an agreement
 33 between an employer and employees that has the approval of the board
 34 and that:

- 35 (1) binds the parties to medical care furnished by providers
- 36 selected by agreement before or after disablement; or
- 37 (2) makes the findings of a provider chosen in this manner
- 38 binding upon the parties.

39 (f) The employee and the employee's estate do not have liability to
 40 a health care provider for payment for services obtained under this
 41 section. The right to order payment for all services provided under this
 42 chapter is solely with the board. All claims by a health care provider for

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1 payment for services are against the employer and the employer's
2 insurance carrier, if any, and must be made with the board under this
3 chapter.

4 SECTION 8. IC 22-3-7-19 IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 19. (a) In computing
6 compensation for temporary total disability; temporary partial
7 disability; and total permanent disability under this law with respect to
8 occupational diseases occurring:

9 (1) on and after July 1, 1974; and before July 1, 1976; the average
10 weekly wages shall be considered to be:

11 (A) not more than one hundred thirty-five dollars (\$135); and

12 (B) not less than seventy-five dollars (\$75);

13 (2) on and after July 1, 1976; and before July 1, 1977; the average
14 weekly wages shall be considered to be:

15 (A) not more than one hundred fifty-six dollars (\$156); and

16 (B) not less than seventy-five dollars (\$75);

17 (3) on and after July 1, 1977; and before July 1, 1979; the average
18 weekly wages are considered to be:

19 (A) not more than one hundred eighty dollars (\$180); and

20 (B) not less than seventy-five dollars (\$75);

21 (4) on and after July 1, 1979; and before July 1, 1980; the average
22 weekly wages are considered to be:

23 (A) not more than one hundred ninety-five dollars (\$195); and

24 (B) not less than seventy-five dollars (\$75);

25 (5) on and after July 1, 1980; and before July 1, 1983; the average
26 weekly wages are considered to be:

27 (A) not more than two hundred ten dollars (\$210); and

28 (B) not less than seventy-five dollars (\$75);

29 (6) on and after July 1, 1983; and before July 1, 1984; the average
30 weekly wages are considered to be:

31 (A) not more than two hundred thirty-four dollars (\$234); and

32 (B) not less than seventy-five dollars (\$75); and

33 (7) on and after July 1, 1984; and before July 1, 1985; the average
34 weekly wages are considered to be:

35 (A) not more than two hundred forty-nine dollars (\$249); and

36 (B) not less than seventy-five dollars (\$75).

37 (b) (a) In computing compensation for temporary total disability,
38 temporary partial disability, and total permanent disability, with respect
39 to occupational diseases occurring on and after July 1, 1985, and before
40 July 1, 1986, the average weekly wages are considered to be:

41 (1) not more than two hundred sixty-seven dollars (\$267); and

42 (2) not less than seventy-five dollars (\$75).

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~~(c)~~ **(b)** In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to occupational diseases occurring on and after July 1, 1986, and before July 1, 1988, the average weekly wages are considered to be:

- (1) not more than two hundred eighty-five dollars (\$285); and
- (2) not less than seventy-five dollars (\$75).

~~(d)~~ **(c)** In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to occupational diseases occurring on and after July 1, 1988, and before July 1, 1989, the average weekly wages are considered to be:

- (1) not more than three hundred eighty-four dollars (\$384); and
- (2) not less than seventy-five dollars (\$75).

~~(e)~~ **(d)** In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to occupational diseases occurring on and after July 1, 1989, and before July 1, 1990, the average weekly wages are considered to be:

- (1) not more than four hundred eleven dollars (\$411); and
- (2) not less than seventy-five dollars (\$75).

~~(f)~~ **(e)** In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to occupational diseases occurring on and after July 1, 1990, and before July 1, 1991, the average weekly wages are considered to be:

- (1) not more than four hundred forty-one dollars (\$441); and
- (2) not less than seventy-five dollars (\$75).

~~(g)~~ **(f)** In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to occupational diseases occurring on and after July 1, 1991, and before July 1, 1992, the average weekly wages are considered to be:

- (1) not more than four hundred ninety-two dollars (\$492); and
- (2) not less than seventy-five dollars (\$75).

~~(h)~~ **(g)** In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to occupational diseases occurring on and after July 1, 1992, and before July 1, 1993, the average weekly wages are considered to be:

- (1) not more than five hundred forty dollars (\$540); and
- (2) not less than seventy-five dollars (\$75).

~~(i)~~ **(h)** In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to occupational diseases occurring on and after July 1, 1993, and before July 1, 1994, the average weekly wages are considered to be:

- (1) not more than five hundred ninety-one dollars (\$591); and
- (2) not less than seventy-five dollars (\$75).

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(i) In computing compensation for temporary total disability, temporary partial disability and total permanent disability, with respect to occupational diseases occurring on and after July 1, 1994, and before July 1, 1997, the average weekly wages are considered to be:

- (1) not more than six hundred forty-two dollars (\$642); and
- (2) not less than seventy-five dollars (\$75).

(j) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, the average weekly wages are considered to be:

- (1) with respect to occupational diseases occurring on and after July 1, 1997, and before July 1, 1998:

- (A) not more than six hundred seventy-two dollars (\$672); and
- (B) not less than seventy-five dollars (\$75);

- (2) with respect to occupational diseases occurring on and after July 1, 1998, and before July 1, 1999:

- (A) not more than seven hundred two dollars (\$702); and
- (B) not less than seventy-five dollars (\$75);

- (3) with respect to occupational diseases occurring on and after July 1, 1999, and before July 1, 2000:

- (A) not more than seven hundred thirty-two dollars (\$732); and

- (B) not less than seventy-five dollars (\$75);

- (4) with respect to occupational diseases occurring on and after July 1, 2000, and before July 1, 2001:

- (A) not more than seven hundred sixty-two dollars (\$762); and
- (B) not less than seventy-five dollars (\$75);

- (5) with respect to disablements occurring on and after July 1, 2001, and before July 1, 2002:

- (A) not more than eight hundred twenty-two dollars (\$822); and

- (B) not less than seventy-five dollars (\$75); and

- (6) with respect to disablements occurring on and after July 1, 2002, and before July 1, 2005:

- (A) not more than eight hundred eighty-two dollars (\$882); and

- (B) not less than seventy-five dollars (\$75);

- (7) with respect to disablements occurring on and after July 1, 2005, and before July 1, 2006:

- (A) not more than nine hundred dollars (\$900); and

- (B) not less than seventy-five dollars (\$75); and

- (8) with respect to disablements occurring on and after July 1, 2006:

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1 (A) not more than nine hundred thirty dollars (\$930); and

2 (B) not less than seventy-five dollars. (\$75).

3 (f) The maximum compensation that shall be paid for occupational
4 disease and its results under any one (1) or more provisions of this
5 chapter with respect to disability or death occurring:

6 (1) on and after July 1, 1974, and before July 1, 1976, shall not
7 exceed forty-five thousand dollars (\$45,000) in any case;

8 (2) on and after July 1, 1976, and before July 1, 1977, shall not
9 exceed fifty-two thousand dollars (\$52,000) in any case;

10 (3) on and after July 1, 1977, and before July 1, 1979, may not
11 exceed sixty thousand dollars (\$60,000) in any case;

12 (4) on and after July 1, 1979, and before July 1, 1980, may not
13 exceed sixty-five thousand dollars (\$65,000) in any case;

14 (5) on and after July 1, 1980, and before July 1, 1983, may not
15 exceed seventy thousand dollars (\$70,000) in any case;

16 (6) on and after July 1, 1983, and before July 1, 1984, may not
17 exceed seventy-eight thousand dollars (\$78,000) in any case; and

18 (7) on and after July 1, 1984, and before July 1, 1985, may not
19 exceed eighty-three thousand dollars (\$83,000) in any case.

20 ~~(m)~~ (k) The maximum compensation with respect to disability or
21 death occurring on and after July 1, 1985, and before July 1, 1986,
22 which shall be paid for occupational disease and the results thereof
23 under the provisions of this chapter or under any combination of its
24 provisions may not exceed eighty-nine thousand dollars (\$89,000) in
25 any case.

26 (l) The maximum compensation with respect to disability or death
27 occurring on and after July 1, 1986, and before July 1, 1988, which
28 shall be paid for occupational disease and the results thereof under the
29 provisions of this chapter or under any combination of its provisions
30 may not exceed ninety-five thousand dollars (\$95,000) in any case.

31 (m) The maximum compensation with respect to disability or death
32 occurring on and after July 1, 1988, and before July 1, 1989, that shall
33 be paid for occupational disease and the results thereof under this
34 chapter or under any combination of its provisions may not exceed one
35 hundred twenty-eight thousand dollars (\$128,000) in any case.

36 (n) The maximum compensation with respect to disability or death
37 occurring on and after July 1, 1989, and before July 1, 1990, that shall
38 be paid for occupational disease and the results thereof under this
39 chapter or under any combination of its provisions may not exceed one
40 hundred thirty-seven thousand dollars (\$137,000) in any case.

41 (o) The maximum compensation with respect to disability or death
42 occurring on and after July 1, 1990, and before July 1, 1991, that shall

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1 be paid for occupational disease and the results thereof under this
 2 chapter or under any combination of its provisions may not exceed one
 3 hundred forty-seven thousand dollars (\$147,000) in any case.

4 (p) The maximum compensation with respect to disability or death
 5 occurring on and after July 1, 1991, and before July 1, 1992, that shall
 6 be paid for occupational disease and the results thereof under this
 7 chapter or under any combination of the provisions of this chapter may
 8 not exceed one hundred sixty-four thousand dollars (\$164,000) in any
 9 case.

10 (q) The maximum compensation with respect to disability or death
 11 occurring on and after July 1, 1992, and before July 1, 1993, that shall
 12 be paid for occupational disease and the results thereof under this
 13 chapter or under any combination of the provisions of this chapter may
 14 not exceed one hundred eighty thousand dollars (\$180,000) in any case.

15 (r) The maximum compensation with respect to disability or death
 16 occurring on and after July 1, 1993, and before July 1, 1994, that shall
 17 be paid for occupational disease and the results thereof under this
 18 chapter or under any combination of the provisions of this chapter may
 19 not exceed one hundred ninety-seven thousand dollars (\$197,000) in
 20 any case.

21 (s) The maximum compensation with respect to disability or death
 22 occurring on and after July 1, 1994, and before July 1, 1997, that shall
 23 be paid for occupational disease and the results thereof under this
 24 chapter or under any combination of the provisions of this chapter may
 25 not exceed two hundred fourteen thousand dollars (\$214,000) in any
 26 case.

27 (t) The maximum compensation that shall be paid for occupational
 28 disease and the results of an occupational disease under this chapter or
 29 under any combination of the provisions of this chapter may not exceed
 30 the following amounts in any case:

31 (1) With respect to disability or death occurring on and after July
 32 1, 1997, and before July 1, 1998, two hundred twenty-four
 33 thousand dollars (\$224,000).

34 (2) With respect to disability or death occurring on and after July
 35 1, 1998, and before July 1, 1999, two hundred thirty-four
 36 thousand dollars (\$234,000).

37 (3) With respect to disability or death occurring on and after July
 38 1, 1999, and before July 1, 2000, two hundred forty-four thousand
 39 dollars (\$244,000).

40 (4) With respect to disability or death occurring on and after July
 41 1, 2000, and before July 1, 2001, two hundred fifty-four thousand
 42 dollars (\$254,000).

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(5) With respect to disability or death occurring on and after July 1, 2001, and before July 1, 2002, two hundred seventy-four thousand dollars (\$274,000).

(6) With respect to disability or death occurring on and after July 1, 2002, **and before July 1, 2005**, two hundred ninety-four thousand dollars (\$294,000).

(7) With respect to disability or death occurring on and after July 1, 2005, and before July 1, 2006, three hundred thousand dollars (\$300,000).

(8) With respect to disability or death occurring on and after July 1, 2006, three hundred ten thousand dollars (\$310,000).

(u) For all disabilities occurring before July 1, 1985, "average weekly wages" shall mean the earnings of the injured employee in the employment in which the employee was working at the time of the last exposure during the period of fifty-two (52) weeks immediately preceding the last day of the last exposure divided by fifty-two (52). If the employee lost seven (7) or more calendar days during the period, although not in the same week, then the earnings for the remainder of the fifty-two (52) weeks shall be divided by the number of weeks and parts thereof remaining after the time lost has been deducted. Where the employment prior to the last day of the last exposure extended over a period of less than fifty-two (52) weeks, the method of dividing the earnings during that period by the number of weeks and parts thereof during which the employee earned wages shall be followed if results just and fair to both parties will be obtained. Where by reason of the shortness of the time during which the employee has been in the employment of the employer or of the casual nature or terms of the employment it is impracticable to compute the average weekly wages as above defined, regard shall be had to the average weekly amount which, during the fifty-two (52) weeks previous to the last day of the last exposure, was being earned by a person in the same grade employed at the same work by the same employer, or if there is no person so employed, by a person in the same grade employed in that same class of employment in the same district. Whenever allowances of any character are made to an employee in lieu of wages or a specified part of the wage contract, they shall be deemed a part of the employee's earnings.

(v) (u) For all disabilities occurring on and after July 1, 1985, "average weekly wages" means the earnings of the injured employee during the period of fifty-two (52) weeks immediately preceding the disability divided by fifty-two (52). If the employee lost seven (7) or more calendar days during the period, although not in the same week,

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then the earnings for the remainder of the fifty-two (52) weeks shall be divided by the number of weeks and parts of weeks remaining after the time lost has been deducted. If employment before the date of disability extended over a period of less than fifty-two (52) weeks, the method of dividing the earnings during that period by the number of weeks and parts of weeks during which the employee earned wages shall be followed if results just and fair to both parties will be obtained. If by reason of the shortness of the time during which the employee has been in the employment of the employer or of the casual nature or terms of the employment it is impracticable to compute the average weekly wages for the employee, the employee's average weekly wages shall be considered to be the average weekly amount that, during the fifty-two (52) weeks before the date of disability, was being earned by a person in the same grade employed at the same work by the same employer or, if there is no person so employed, by a person in the same grade employed in that same class of employment in the same district. Whenever allowances of any character are made to an employee instead of wages or a specified part of the wage contract, they shall be considered a part of the employee's earnings.

~~(w)~~ (v) The provisions of this article may not be construed to result in an award of benefits in which the number of weeks paid or to be paid for temporary total disability, temporary partial disability, or permanent total disability benefits combined exceeds five hundred (500) weeks. This section shall not be construed to prevent a person from applying for an award under IC 22-3-3-13. However, in case of permanent total disability resulting from a disablement occurring on or after January 1, 1998, the minimum total benefit shall not be less than seventy-five thousand dollars (\$75,000).

SECTION 9. IC 27-1-20-35 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 35. (a) For purposes of this section, the following is not considered to be ownership, control, or operation of the insurer:**

- (1) Membership in a mutual company.
- (2) Subscribership in a reciprocal insurer.
- (3) Ownership of stock of an insurer by the alien property custodian or similar official of the United States.
- (4) Supervision of an insurer by a public insurance supervisory authority.

(b) A company is not authorized to conduct business in this state if either of the following applies:

- (1) Voting control or ownership is held in whole or in

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- 1 **substantial part by:**
2 **(A) a government;**
3 **(B) a governmental agency; or**
4 **(C) an entity having a tax exemption under:**
5 **(i) Section 501(c)(27)(B); or**
6 **(ii) Section 115;**
7 **of the Internal Revenue Code.**
8 **(2) The company is operated for or by:**
9 **(A) a government;**
10 **(B) a governmental agency; or**
11 **(C) an entity having a tax exemption under:**
12 **(i) Section 501(c)(27)(B); or**
13 **(ii) Section 115;**
14 **of the Internal Revenue Code.**

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